

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6858 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

VISHNUPRASAD SHYAMDAS SADHU

Versus

STATE OF GUJARAT

Appearance:

MR MH RATHOD for Petitioner

MR SATISH A. PANDYA, ASSTT. GOVT. PLEADER for Respondent

No. 1, 2, 3, 4

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 21/10/97

ORAL JUDGEMENT

In this matter, the notices were issued to the respondents and were made returnable on 10th October, 1997. On 10-10-1997 learned Asst.. Govt. Pleader sought time to seek instructions.

2. I have heard learned Advocates for the parties.
Rule. Mr. S.A. Pandya, learned Asst.. Govt. Pleader,
waives service of notice of rule on behalf of the
respondents.

3. It is submitted by Mr. Pandya, learned A.G.P.
appearing on behalf of the respondents no. 1 to 4 that
the land in question was in the name of the trust and the
trust has sold out this land and the entries in the
revenue record were made in favour of the purchaser. The
petitioner herein seeks cancellation of the entries for
which appropriate remedy lies before the revenue
authorities i.e. the respondents no. 2 and 3. The
petitioner has sought direction for initiating action for
adjudication of the application dated 3rd June 1996
pending before the respondent no. 3 and a direction has
also been sought against the respondents no. 2 and 3 to
pass reasoned order. It has also been further prayed
that the mutation entries No. 1779, 1813, 1814 and 2050
of village Nadan of Kaldi Taluka be cancelled and it may
be declared that the transfer of Survey Nos. 457/1, 459,
460, 621 and 671 of village Nadan of Taluka Kadi to Ramji
Mandir Trust is illegal. A direction has also been
sought against the respondents to submit the record
prepared by the respondent no. 4 during the preliminary
inquiry and also to submit the report about the action
taken pursuant to the petitioner's application.

4. Mr. Pandya, learned Asst.. Govt. Pleader
submits that on the basis of the report made by the
Mamlatdar action has already been initiated for review
and next hearing is fixed on 11-11-1997. He has also
submitted that appropriate order in accordance with law
shall be passed either on 11-11-1997 or within a period
of three months, from today.

5. In the facts and circumstances of this case, it
is directed that the action which has been initiated on
the basis of the report of the Mamlatdar shall be taken
to its logical end and appropriate orders in accordance
with law in the revenue proceedings shall be passed by
the concerned authorities at the earliest possible
opportunitly but in no case later than three months from
today on the question of cancellation of the entries and
the application dated 3-6-1996. This Special Civil
Application is, therefore, partly allowed as above and
rule is made absolute to the extent as above, with no
order as to costs.

